

REMARKS**AMENDMENTS TO THE CLAIMS:**

Claims 1 to 20, and 37 are cancelled.

Claims 36, 38, and 40 were amended.

Claims 21 to 36 and Claim 38 to 40 are pending.

Claims 36 and 38 were amended to append the phrase “, wherein said polypeptide has tubulin tyrosine ligase activity” and to append the phrase “ and has tubulin tyrosine ligase activity”, respectively, to the end of each claim just prior to the period. Support for these amendments may be found in original Claim 1 and Example 7 of the specification. Applicants assert these amendments were not made to overcome any issues related to the patentability of these claims and that Applicants right to equivalents of Claim 36 and 38 is reserved. No new matter has been added.

Claim 40 was amended to append the phrase “(nucleotides 1 to 2058 of SEQ ID NO:27)” after the “Figures 7A-B” phrase. General support for this amendment may be found in Figures 7A-B and the legend of Figures 7A-B on page 16, and specific support for the nucleotide locations “1 to 2058” may be found by comparison of the sequence provided in Figures 7A-B and SEQ ID NO:27 (i.e., nucleotide “-2057” of Figures 7A-B is nucleotide “1” of SEQ ID NO:27, while nucleotide “-1” of Figures 7A-B is nucleotide “2058” of SEQ ID NO:27). Applicants assert this amendment was not made to overcome any issues related to the patentability of this claim and that Applicants right to equivalents of Claim 40 is reserved. No new matter has been added.

AMENDMENTS TO THE SPECIFICATION

Support for the amendments to the Specification may be found by reference to the Specification, as originally filed.

The Title of the specification was amended to delete the phrase "POLYNUCLEOTIDES ENCODING A ". This amendment was made solely to make the Title consonant with the claimed invention. Support for these amendment may be found in pending Claims 21 to 36 and Claim 38 to 40, and throughout the specification as originally filed. No new matter has been added.

I. Miscellaneous**a. Summary of Interview with Examiner Monshipouri on May 19, 2006**

Examiner Monshipouri contacted the undersigned on May 19, 2006 to discuss a proposed Examiner's amendment to the pending claims. The Examiner indicated all of the claims were allowable contingent upon entering the following amendments: a.) Cancellation of Claim 37 due to the presumed redundancy of the claimed subject matter relative to Claim 21; b.) Amendment to Claim 36 and 38 to append functional language analogous to the functional language resident in Claim 30; and c.) Amendment to Claim 40 to add a reference to a specific SEQ ID NO: in addition to the general reference to Figures 7A-B.

Applicants acknowledged the Examiner's proposed amendments and agreed to enter them via the instant Second Preliminary Amendment.

Examiner Monshipouri also requested the undersigned provide assurances that access to the ATCC Deposit PTA-4454 would be provided upon grant of the patent.

Applicants agreed to provide the same and noted the same assurance was provided during prosecution of the parent application, U.S.S.N. 10/615,659.

b. Public Access to ATCC Deposit No. PTA-4454

Applicants representative hereby gives the following assurance by signature below:

Bristol-Myers Squibb Company, an assignee of the present application, has deposited biological material under the terms of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure with the following International Depository Authority: American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, Virginia 20110-2209. This deposit comprises the cDNA sequences of BGS-42 clone A, BGS-42 clone B, and BGS-42 clone C that together encode the full-length BGS-42 polypeptide of the present invention. The deposit for BGS-42 was made on June 12, 2002, and given ATCC Accession Number PTA-4454. In accordance with MPEP 2410.01 and 37 C.F.R. § 1.808, assurance is hereby given that all restrictions on the availability to the public of ATCC Accession Number PTA-4454 will be irrevocably removed upon the grant of a patent based on the captioned application, except as permitted under 37 C.F.R. § 1.808(b).

Applicants representative also hereby gives the following additional assurance by signature below:

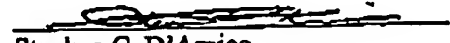
In accordance with 37 C.F.R. § 1.805 to § 1.807, assurance is hereby given that the viability of the deposits for BGS-42 clone A, BGS-42 clone B, and BGS-42 clone C, made on June 12, 2002, and given ATCC Accession Number PTA-4454, will be maintained during the pendency of the captioned application for a duration of at least 30 years or at least five years after the most recent request for the furnishing of a sample of the deposit is received by the ATCC; and that the deposit will be replaced if it should ever become inviable.

A copy of the ATCC Deposit receipt for Accession Number PTA-4454 was provided with Applicants March 20, 2006 Preliminary Amendment.

If any fee is due in connection herewith not already accounted for, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

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